

REMARKS

Claims 1-22 are pending in the present application. The Examiner requires restriction to one of the following allegedly distinct inventions under 35 U.S.C. § 121:

Group I, claims 1-15 and 22, drawn to a meat product; and

Group II, claims 16-21 drawn to a process for preparing a meat product.

The Examiner adds that if Applicants choose Group II, claim 16 must be rewritten in independent form. Applicants herein make minor changes to claim 16 so that it no longer depends from claim 1 but rather incorporates the recitations describing the meat product of claim 1. As such, no issue of new matter arises by way of these changes.

The Examiner says that the inventions of these groups are distinct, and thus require separate examination. Applicants hereby elect Group I, claims 1-5 with traverse. Applicants respectfully request reconsideration of the Requirement for Restriction to allow prosecution of more than one group of claims designated by the Examiner. Under 35 U.S.C. §121 "two or more independent and distinct inventions ... in one Application may ... be restricted to one of the inventions." Inventions are "'independent'" if "there is no disclosed relationship between the two or more subjects disclosed" (MPEP 802.01). The term "distinct" means that "two or more subjects as disclosed are related ... but are capable of separate manufacture, use or sale as claimed, AND ARE PATENTABLE OVER EACH OTHER" (MPEP 802.01) (emphasis in original). However, even with patentably distinct inventions, restriction is not required unless one of the following reasons appear (MPEP 808.02):

1. Separate classification
2. Separate status in the art; or
3. Different field of search.

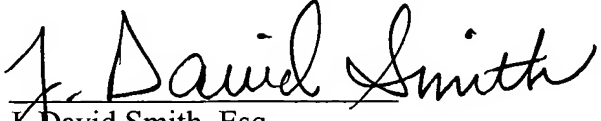
Further, under Patent Office Examining Procedures, "[i]f the Search and Examination of an entire Application can be made without serious burden, the Examiner must examine it on the

merits, even though it includes claims to distinct or independent inventions" (MPEP 803, Rev. 8, May 1988) (emphasis added). Applicants submit that a search of a meat product according to the present invention necessarily entails a search of a process for preparing the meat product.

CONCLUSION

The claims are all believed in condition for allowance and early notification as such is solicited.

Respectfully submitted,


J. David Smith, Esq.
Reg. No. 39,839
Attorney for Applicants

KLAUBER & JACKSON
411 Hackensack Avenue
Hackensack, New Jersey 07601
(201) 487-5800